JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

REGULAR SESSION

OF THE

THIRTY-FIRST LEGISLATURE OF TEXAS

CONVENED AT THE CITY OF AUSTIN, JANUARY 12, 1909

AND

ADJOURNED WITHOUT DAY, MARCH 13, 1909

PUBLISHED BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

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1909.

By Mr. Adams:

House bill No. 56, A bill to be entitled "An Act to create a more efficient road system for Bexar county, in the State of Texas."

Read first time, and referred to Committee on Roads, Bridges and Ferries.

By Mr. Bogard:

House bill No. 57, A bill to be entitled "An Act to restore to and confer upon the county court of Shelby county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and General Laws of the State, and to conform the jurisdiction of the district court of said county to such change, and to give said county court concurrent jurisdiction with justices of the peace and other inferior courts of said county, and to repeal all laws and parts of laws in conflict with this act."

Read first time, and referred to Judiciary Committee.

By Mr. Jenkins:

House bill No. 58, A bill to be entitled "An Act to amend Article 1050, and to repeal Article 1051, Chapter 23, Title 27, of the Revised Statutes of the State of Texas."

This bill provides that the Court of Criminal Appeals shall hold one term each year in the city of Austin, commencing on the first Monday in October and continuing until the last Saturday in June in the succeeding year.

Read first time, and referred to Judiciary Committee.

By Mr. Elliott:

House bill No. 59, A bill to be entitled "An Act to provide for the establishment, location, building and maintenance of a State Training School for Children, and to make an appropriation therefor."

Read first time, and referred to Committee on Education.

HOUSE JOINT RESOLUTIONS ON FIRST READING.

By Mr. Goodman:

House Joint Resolution No. 1, Proposing amendment to the State Constitution providing for the establishment of a home for Confederate widows.

Read first time, and referred to Committee on Constitutional Amendments.

By Mr. Mason:

House Joint Resolution No. 2, To submit to a vote of the people of the State of Texas of an amendment to the State Constitution, prohibiting the manufacture and sale of intoxicating liquors.

Read first time, and referred to Committee on Constitutional Amendments.

By Mr. Gilmore:

House Joint Resolution No. 3, Proposing the amendment of Section 2 of Article 3 of the Constitution of the State of Texas, limiting the number of the House of Representatives to ninety-three.

Read first time, and referred to Committee on Constitutional Amendments.

MESSAGE FROM THE GOVERNOR.

A messenger from the Executive Office appeared at the bar of the House, and being duly announced, presented a message from the Governor, which was read as follows:

Executive Office,
State of Texas.

Austin, January 14, 1909.

To the Senate and House of Representatives:

As members of the Thirty-first Legislature, you have each voluntarily undertaken an important task. Your duties are important and your responsibilities are serious. You have assembled under favorable conditions. The State Treasury is on a cash basis. The State is generally prosperous, and the people are contented and happy. The law is supreme in Texas, and all the laws are now very generally enforced and obeyed.

There is no substantial reason to doubt that the welfare of the State and the happiness of the people will be promoted by the intelligence of your work, and by your fidelity to the people with whom you made a covenant at the ballot box. You need make no serious mistakes, as the will of the people has been ascertained upon all important matters which demand the attention of the Legislature at this time.

Organized avarice, though in attempted disguise, can hardly be expected to override the popular will. Selfish interests and those seeking special advantages and exclusive privileges will have their ready advocates on every hand, and wholesome legislation heretofore enacted for the protection of the people will doubtless be assailed. A word of caution is therefore offered to the end that the chosen representative of a confiding constituency may be on his guard. It is not unlikely that designing forces have

organized and will be maintained at the Capitol which will test the wisdom, integrity and patriotism of this Legislature.

The laws enacted and the reforms wrought under the present administration in behalf of the great masses of the people of Texas have been under fire for nearly two years, and have repeatedly received the emphatic endorsement of the Democratic voters of our State, and have been approved and reaffirmed by the organized Democracy in convention assembled. The platform of the opposition party demanded the repeal or modification of many of these important laws, and that party, its candidates and its platform were repudiated and defeated by about 150,000 majority. Desperate efforts have been employed by sinister agencies to discredit these laws, and to defeat the operation of these reforms, but the people have willed otherwise, and the laws have come to stay. Such changes as may be sought by the friends of the laws to strengthen them, and which may be dictated by experience, may, with propriety, be made, but these laws were demanded by the people; they were enacted by their trusted representatives, and in spirit and substance they should stand.

They are just and right and ought to stand. The results of the recent political contests involving these laws and reforms strikingly demonstrate that the agencies of corrupt and sinister special interests can not dominate and control in Texas. The patriotism of our people and the freedom of speech which obtains in Texas make it certain that her incorruptible electorate can be safely trusted to uphold the public official who keeps the faith and redeems his pledges made to them. Those who have contended that modifications and exceptions in their interest should be made in the laws enacted by the last Legislature might have placed their propositions upon the Democratic primary election ticket, and thus tested them at the ballot box, or they could have uncovered their schemes in the last Democratic convention, and these plans were suggested time and again as open to them. This course was open under the law, but they chose rather to undertake the defeat of candidates who stood for these laws. In this they signally failed in every instance. The State Democratic Convention, following the lead of nearly all the county conventions, endorsed the laws as they stood, and placed the party candidates upon a platform committed to their perpetuation. The enemies of the legislation and reforms enacted by the last Legislature chose to submit their demands for repeal, changes and modifications thereof in the Republican State platform, which of course binds all representatives of that party faith. Democrats are bound by party action, by the verdict rendered at the polls, and by the platform made by its convention.

The Democratic platform declaration with respect to the laws enacted during this administration is as follows:

"We heartily endorse * * * the acts of the Thirtieth Legislature enacted in obedience to platform demands, and we rejoice at the emphatic endorsement given said laws and administration by the Democratic voters of Texas in the recent primary election."

The measures of commanding importance enacted during the present administration are in the interest of justice, equality, good government and decency. They have resulted in no harm or injustice to any man or to any legitimate business enterprise within this State. The truth of this statement has already been demonstrated, and any effort to emasculate, destroy or weaken them would be a fraud upon the people and a betrayal of the Democratic party. These laws became effective in the midst of a great national panic, and Texas has been and is in a better financial and economic condition today than any State in the Republic.

To effect needed reforms and to check evil tendencies, laws were enacted by the last Legislature to the following effect:

1. The keeping of gambling houses and the exhibiting of gambling devices was made a felony.

2. The practice of drinking intoxicating liquors on railroad trains was prohibited.

3. A law passed requiring contests of local option elections to be promptly instituted, and providing that otherwise the legality of such elections should be conclusively presumed.

4. Authority was granted district judges, on proper showing, to prevent by injunction the sale of intoxicating liquors in prohibition communities.

5. A tax of $5000 was levied on express companies shipping intoxicating liquors into prohibition districts, the effect of which was to take the express companies out of the liquor and saloon business.

6. An effective bucket shop law which prohibits gambling in cotton and other futures, thereby guarding against depres-

sion in the prices of the farmers' crops, as a result of unnatural speculative or gambling transactions.

7. To encourage and promote agricultural development, a separate Department of Agriculture was created, and has been organized and is at this time actively promoting with the facilities at hand our agricultural interests.

8. The occupation tax on useful occupations was repealed.

9. A law prohibiting the free pass evil was enacted.

10. A law against nepotism was passed.

11. Charter fees of corporations were increased in a just and fair amount.

12. The depository law enacted, keeps in circulation State funds and the rates of interest secured yields a return largely in excess of the entire expenses of the State Treasurer's office, and provides a handsome yield in interest on county funds heretofore deposited in banks without interest.

13. Laws increasing franchise taxes, and gross receipts taxes, and securing the listing, rendition and assessment of the railways' intangible values for taxation were enacted, and their operation has resulted in shifting a large portion of the burden theretofore unjustly borne by the individual property taxpayers to those who had been evading and escaping taxation.

14. A mine inspection law for the protection of laborers engaged in mining business, a law against blacklisting, and a law lightening the labors of trainmen, engineman, and telegraph operators and to protect the public, and other just laws were passed for the benefit and protection of workingmen.

15. The law known as the "Robertson Insurance Law" having for its objects the better protection of the policy holders in Texas, and to promote investments in our State was passed. The practical operation of this law is to require the investment of 75 per cent of the Texas reserve of life insurance companies doing business in Texas, in Texas securities, and to require the deposit of such securities in the State Treasury, or other depository designated by the law. It is also provided that the deposit and investment features may be waived by the Commissioner of Insurance upon substantial showing under the terms and conditions of the law.

16. The "Full Rendition Law," as it is called, and the "Automatic Tax Law," having for their respective objects the rendition and assessment of all taxable property at its full value, greater uniformity and the adjustment of the tax rates and tax burdens in keeping with the absolute requirements of the government.

17. A uniform text-book law, providing for the adoption of a uniform system of text-books for all the public free schools of the State was passed.

18. A law prohibiting insolvent corporations from doing business in Texas was enacted.

19. A law prohibiting lobbying, and many other useful laws were passed in the interest of the people.

In the administration of the State government during the past two years, an earnest effort has been made by the Executive and all other departments of the public service, to give the people a clean, efficient, and economical government.

That the full measure of our success may be ascertained, and the people more fully informed, the most careful and rigid investigation into the administration of every department of government and into the management of each State institution is invited and suggested. That the laws should be properly enforced upon all alike, no law-abiding man will deny. The Constitution provides that "the Governor shall cause the laws to be faithfully executed," and every means and power that could be appropriately exercised has been brought into requisition to meet this mandate of the Constitution. No one should be strong enough to escape the power of the law, and none too weak to receive its protection.

The mandate of the Constitution is clear and the duty of the Governor, with respect to enforcing the law, is plain, but the Governor's powers are not adequate, and adequate statutory powers as contemplated by the Constitution should be promptly provided by legislation suited to present conditions as well as for future contingencies.

Obedience to all criminal laws should be a condition in liquor dealers' bonds, and jurisdiction for suits for breach thereof should be given to the district courts of Travis county.

The transactions of the Treasury Department are set out in detail in the State Treasurer's annual report for the fiscal year ending August 31, 1908. The report, together with the tables accompanying the same, contain much useful information, and it is suggested that an examination of the same will be useful and profitable to the legislators.

At the beginning of this administration, the Comptroller estimated the deficit for the fiscal year ending August 31, 1907, to be approximately $300,000, and possibly more. However, as a result of careful and, we believe, efficient administration, aided by more effective revenue legislation, the deficit was avoided, and the State has been able to meet all of its current obligations for the past two years, and at all times to maintain an adequate working surplus in the State Treasury. Instead of a deficit, as predicted, on August 31, 1907, the State had met all of its obligations, and had a cash balance of $692,612.81 to the credit of the general revenue, and at the close of the fiscal year, August 31, 1908, after paying all claims when presented, the State had to the credit of the general revenue fund a balance of $888,985.61.

This very satisfactory financial condition was secured and has been maintained under the operation of the present tax system without additional tax burdens upon the individual property taxpayers. Interests theretofore escaping and property theretofore unrendered have been required, under the new laws, to contribute more to the support of the government, thereby lessening the burden upon those who were under the old laws bearing more than their just share.

To illustrate: Under the operation of the intangible tax law, $173,698,318 of intangible values of railways and bridge and ferry companies were listed for State and county taxes for the year 1908. The physical values of the railways increased under the new rendition law from $100,166,782, in 1906, to $157,822,790, in 1908. The intangible tax law, and the full rendition law has added to the tax rolls more than $250,000,000 of railway and other corporate values theretofore escaping taxation. The credits of money of banks and bankers and of others than banks and bankers are not now being properly listed for taxation, still there has been a great improvement, as the tax rolls show that they were increased from $42,112,424, in 1906, to $80,717,825, in 1908; an increase of more than 91 per cent. These are prominent illustrations of property values heretofore escaping, which, under the new laws, have contributed to the reduction of the ad valorem tax rate of 20 cents on the one hundred dollars in 1906, to the low rate of 6¼ cents on the one hundred dollars in 1908. The average tax rate in the counties throughout the State for 1906 was 55 cents on the one hundred dollars. This average rate of 55 cents was reduced in 1908 to an average rate of 40 cents on the one hundred dollars for county purposes by the operation of the new laws. The individual citizens who have been paying taxes upon their homes and farms at a fair valuation will pay less taxes in 1908 in proportion to value than they have paid for the support of the State government in any year since 1860, and as the receipts from other sources to the credit of general revenue increases, the ad valorem tax rate for State purposes will be reduced in proportion.

Under the operation of the tax laws of the last Legislature, the property values on the tax rolls increased from $1,221,159,869, in 1906, to $2,174,122,480, in 1908. The amount of taxes paid in 1906 on the tax rate of 20 cents on the one hundred dollars, amounted to $2,435,412.92, and in 1908, with the tax rate of 6¼ cents, the total tax amounts to $1,358,826.55; an increase in assessed values of $952,935,411, and a reduction of $1,076,586.37 in the total amount of ad valorem State taxes levied for 1908 as compared with 1906, and a much more equitable distribution of the taxes has been secured.

The valuation of property assessed for taxes, the rates and the amounts of State ad valorem taxes for the years 1906, 1907, and 1908, are as follows:

1906—Valuation, $1,221,259,869; rate, 20 cents; amount of taxes, $2,435,412.92.
1907—Valuation, $1,635,297,115; rate, 12½ cents; amount of taxes, $2,040,625.58.
1908—Valuation, $2,174,122,480; rate, 6¼ cents; amount of taxes, $1,358,826.55.

Receipts to the credit of the State's general revenue for the years 1906, 1907, and 1908, from special corporation taxes and from all other sources, not including the ad valorem taxes on tangible and intangible values, is shown below; $375,418.94 received from the United States government in 1906 not included:

1906—Amount of receipts, $1,826,682.86.
1907—Amount of receipts, $2,024,434.80.
1908—Amount of receipts, $2,416,218.46.

The county tax rolls for 1906, 1907, and 1908 disclose the gross inequalities obtaining throughout the State prior to the recent tax legislation, and they further show that an earnest effort was made in the large majority of the counties to comply with the laws respecting rendition, assessment and equalization. In a few counties, however, the law was ignored, and the conduct of the tax officials of such counties was little short

of unconscionable. These counties received the full benefits of the reductions in the State ad valorem tax rate from 20 cents to 6½ cents, and the State school ad valorem rate from 20 cents to 16⅔ cents, and received the full benefit of the increase in the apportionment of the available school fund, but by the dereliction and disregard of duty on the part of their trusted tax officials they contributed practically nothing to the increase of values resulting in such general good. This is so manifestly unfair and unjust that an effective remedy should be speedily provided by law. It is inconceivable that the oath of office prescribed by the Constitution, to say nothing of the oath prescribed by the new statute, and to which all tax officials must solemnly subscribe, should be so lightly considered by some men who have been honored with official station. Each county and each citizen and corporation of the State should contribute a just share and no more of the taxes necessary to support the State government and to maintain the public free school system, and no county, citizen or corporation through the dereliction of tax officials should be permitted to share in the benefits of reduced rates, and the increase of school funds when they fail to do their part. They should not be allowed by official dereliction to shift their just share of the taxes to the taxpayers of other counties and communities. It is just to say that the people of some of the counties where the law was disregarded repudiated the derelict tax officials upon their first opportunity.

Article 5124e, of Chapter 11, of the Acts of the First Called Session of the Thirtieth Legislature should be amended so that suits for removal from office may be instituted and prosecuted either in the county of such officer's residence, or in the district courts of Travis county, at the option of the Attorney General. Laws should also be enacted providing that resignations or expirations of terms of office shall not abate actions for removal from office, and the law should further provide that county officers who are removed from office for malfeasance or misfeasance or for any dereliction shall not thereafter hold office in this State until their eligibility is established and restored by act of the Legislature.

In this connection, I invite your attention to the respective annual reports of the State Tax Commissioner and the State Revenue Agent. The data and the difficulties encountered in the law's enforcement, and the suggestions made by these faithful officials, will, I believe, be of much value to the Legislature in improving our system of taxation and in enacting legislation to secure equality and more uniformity in the distribution of its burdens.

In making appropriations, it would be well to keep in mind the fact that under our present system of taxation, the tax rate for the years 1909 and 1910 will be fixed by the appropriations made by this Legislature. Increased appropriations mean not a possible deficit, but an increased ad valorem tax rate, and, of course, heavier taxes, and every economy consistent with the State's absolute necessities and with efficiency in the administration of the State government should be observed.

I do not believe that the State's requirements for the period for which you must provide will exceed to any appreciable extent the amounts appropriated for the two years ending August 31, 1909. No appropriation other than the deficiencies authorized and the necessary expenses of the Legislature should be made payable prior to September 1, 1909, as the tax rate was, under the automatic tax law, fixed by and with respect only to the appropriations already made for that fiscal period.

PERMANENT SCHOOL FUND.

The improvement and enhancement of the permanent school fund of the State is most interesting and gratifying.

On August 31, 1904, the total book value of this fund, exclusive of school lands not sold or listed, was $41,168,396.66; on August 31, 1906, its book value was $46,656,685.45, and on August 31, 1908, the book value of this fund amounted to $61,526,242.75, which is the aggregate of the following items:

1.	Cash on hand for investment	$ 67,956.11
2.	Bonds belonging to State school fund	15,136,807.53
3.	Land notes	38,406,222.51
4.	Leased lands, estimated value	7,915,256.60
	Total, as above stated	$61,526,242.75

Since January 15, 1907, which dates the beginning of this administration, to December 15, 1908, bonds to the amount of $2,653,508.99, bearing interest at the average rate of 4.65 per cent per annum, have been purchased for

this fund, being the highest average rate of interest ever borne by bonds purchased for this fund. At this time there remains in the permanent school fund, awaiting investment, $162,824.46.

AVAILABLE SCHOOL FUND.

The available school fund from State, city, district taxes, and from all other sources for running the schools of the State was, for the year 1906-1907, approximately $6,000,000; for the year 1907-1908, $8,020,229.48, and for the year 1908-1909, approximately $9,473,739, being an increase in 1908 over 1906 of approximately $3,473,739.

The average school term for each child within the scholastic age in each year, notwithstanding the increase in school children has progressed, and is shown to be as follows:

In 1906-1907, about 5½ months; 1907-1908, about 6½ months, and for the year 1908-1909, about 7 months.

It will thus be seen that the pledge of the Constitution to the school children of Texas that they should have a school term of at least six months in each year has been at last redeemed.

The apportionment of the available school fund by the State School Board for the State's public schools has gradually increased, and this has been accomplished without increasing the burdens of the individual property taxpayers. In 1906, the apportionment to each child was $5; in 1907, $6, and in 1908, $6.75. The State school fund available for 1908, which was apportioned by the State School Board from the State's available fund was $2,878,635.25 more than was apportioned by the board in 1906, or any other prior year in the history of the State. The State school tax was 18 cents on the $100 in 1906, in 1907 it was 20 cents on the $100, and in 1908 it was reduced, under the operation of the "automatic tax law," to 16⅔ cents on the $100 valuation.

It is learned from official sources that the permanent school fund of many counties has, through mismanagement, and in some cases by evident design, been seriously impaired, and in several counties wholly squandered. It is therefore urgently recommended that immediate steps be taken by appropriate legislation for the reimbursement of this fund by the counties and requiring its complete rehabilitation. Adequate laws for the protection and preservation of these county funds in future should be enacted without delay.

The law enacted by the last Legislature providing for more effective and intelligent school supervision has increased the number of county superintendents, as was contemplated, and at this time 108 counties in the State, representing about 63 per cent of the school children have as superintendents trained school men, who are fitted for the work, and who give their entire time to the supervision of the public free schools of their respective counties. A decided improvement in our common schools throughout the State is noticeable as a result of the law. More intelligent direction is given the school money, more comfortable school houses, and a higher order of efficiency in teaching is being secured. This law was vigorously opposed by many when it was proposed, and the Governor was assailed for urging its passage, but its wisdom has been amply vindicated, and now there is no one to be found who will seriously suggest its change or repeal.

UNIFORM STATE TEXT-BOOK LAW.

To protect the school children of Texas and their parents against the unconscionable prices charged for books prior to the policy of uniform adoption in this State, and to secure more perfect uniformity in our educational system, the third uniform text-book law was enacted by the Thirtieth Legislature. The law among other things provided that the State Superintendent of Public Instruction, the Governor and five teachers to be appointed by the Governor should constitute the State Text-Book Board. It was further provided that this board should select the text-books enumerated in the law for use in the public free schools of this State, including schools in cities exempted under former laws, for a period of five years, beginning September 1, 1908. On December 31, 1907, the Governor announced the appointment of five teachers of high standing, known integrity, and who were thoroughly equipped for the duties imposed by the law. On January 2, 1908, the Governor addressed to the members of the Board a communication notifying them of their appointment and requesting them to asemble at Austin on January 14th, and to the end, that they might enter upon the discharge of their duties free of all embarrassment, it was suggested in this notice that they permit no agent, representative or attorney of any book concern or publisher to discuss with them text-books or anything whatever pertaining to their duties as

members of the Board. The members of the Board met in the office of the Governor on January 14th, at which time a resolution was introduced and unanimously adopted, the effect of which was to provide that no publishers of text-books or book concerns, their agents, representatives, or attorneys, should discuss text-books with the members of the Board in private, or in any other way except by arguments submitted to the Board when it was in session, and when all of its members were present, and by briefs or other written communications addressed to the Board. Upon the adoption of this resolution all of the bidders and their agents, attorneys, and representatives were called before the Board and notified of this action, and they were then warned by the Governor that if this resolution was violated or any attempt made at its violation by any bidder, that the bid of such publisher would be thrown out and not considered by the Board.

At this first meeting Prof. H. C. Pritchett, who was appointed a member of the Board, tendered his resignation, as it was disclosed that a book of which he was the author, in part, would be submitted for adoption, and under the law he held himself disqualified. To fill the vacancy occasioned by Mr. Pritchett's resignation, Prof. J. H. Jenkins, of Corsicana, was appointed, the Board then being composed of the Governor, Prof. R. B. Cousins, State Superintendent of Public Instruction; Captain E. F. Comegys, of Gainesville; Prof. R. F. Davis, of Nacogdoches; Prof. O. F. Shastian, of Stamford; Prof. J. H. Jenkins, of Corsicana, and Miss Mary Carlisle, of Austin. The Board adjourned to meet February 1, 1908.

At the meeting on February 1st, all members being present, the bids of thirty-five publishers and book concerns were opened and full and ample hearing before the Board was given each bidder. After the hearings were finished, the members of the Board entered upon the examination of the books submitted, and thereafter the Board adopted and entered into contracts for all of the books designated by the law for adoption and use in the public free schools of Texas. In the performance of their duties, the members of the Board sought the best books, and, I believe, observed all the proprieties. It is manifest that the school children of Texas received the benefit of the best judgment of each individual member of the Board, honestly and faithfully exercised. The text-books adopted have been repeatedly pronounced by capable and disinterested educators to be as good as the best, and the cheapest and best books that the Texas schools have ever had. It is a matter of common knowledge among educators that, taken as a whole, no State in the Union has a better State adoption than the books selected by the last State Text-Book Board for use in our schools. Unscrupulous political miscreants who were doubtless hired by disgruntled and disappointed school book concerns whose books were not adopted, some for political purposes, and others doubtless for pay, and maybe out of malice, have misrepresented these books, and have slandered and libeled the members of the State Text-Book Board. They have scrupled at nothing to foment discord in political and official circles. Not content with this, book concerns that have heretofore been reaping a rich harvest in Texas through high prices and other schemes of plunder, have sought by every conceivable means to create prejudice against the books, and to prevent their effective and prompt distribution to the school children of the State. To supplant the adopted books with books that were rejected by the Board they have offered and are continuing to offer commissions to dealers largely in excess of those paid by some of them when they were represented in former contracts and adoptions, and largely in excess of commissions now being paid to dealers and local depositories by the contracting book companies. I am informed and believe that in a few instances they have enlisted the aid and comfort of the dealers, and probably of some school authorities. By these means they are seeking to produce confusion, foment discontent, and to prevent the distribution and sale of the adopted books to the children, and to defeat, and, in so far as such questionable methods will secure that end, to destroy the benefits of uniform text-book adoption in Texas. Such legislation as will punish such offenders and prohibit effectually such frauds upon the school children and the public schools of this State should be enacted.

The Thirtieth Legislature submitted to the qualified voters of the State an amendment to Section 3, Article 7, of the Constitution, and it was voted upon and adopted at the general election held November 5, 1908. This amendment to the Constitution authorized the assess-

ment and collection of a local ad valorem tax of 50 cents on the $100 valuation of property in a common school district, the question of levying the tax to be decided by a majority vote of the property tax paying voters qualified to vote in the given territory.

The amendment as submitted and adopted is not self-executing; therefore, suitable and appropriate legislation giving full force and effect thereto is respectfully recommended.

Progress along educational lines and in school development during the last two years from the country school to the State University is as interesting as it is gratifying. The question of education has a firm hold upon our people, and the educational spirit is manifesting itself at this time as never before. The enrollment of children within the scholastic age numbered 694,708 in 1906; 869,364 in 1907, and 941,053 in 1908. The attendance at all of the State school institutions has shown a marked increase. The Texas School for the Blind, the Texas School for the Deaf, the Colored Deaf, Dumb and Blind, the three State Normals, the Agricultural and Mechanical College, the Prairie View Normal, the College of Industrial Arts for Girls, and the State University, notwithstanding the facilities added during the last two years, are not able to accommodate the increasing number of applicants for admission, and the usefulness and development of these institutions should progress as rapidly as the State's revenues will justify. It is here suggested that it would be far better for the State, and much more advantageous to our educational scheme to round off and thoroughly equip these institutions for the accomplishment of their respective missions before we undertake other schools and schemes which, along with those we already have, must necessarily languish in the future for want of available funds for their proper equipment, maintenance, and development. For detailed information respecting our great school system, and the appropriations, achievements, and necessities of our State University, and other educational institutions, you are respectfullly referred to the most interesting and comprehensive report of the State Superintendent of Public Instruction, and also to the official reports of the Board of Managers of these respective institutions. These reports will accompany this message, and will be furnished to members of the Legislature upon application, and on account of their value and importance, and the deep interest that we must all feel in these schools, I commend them to your thoughtful consideration.

To meet the growing needs of these State institutions and to properly maintain them by adequate appropriations is a duty devolving upon this Legislature.

VALIDATING BONDS OF INDEPENDENT SCHOOL DISTRICTS.

The eighth plank of the Democratic platform declares in favor of amending the Constitution so as to validate all bonds issued by school districts, which, by recent decisions of the Supreme Court, are held to be illegally or unconstitutionally issued. The amount of these bonds, in the aggregate, which are affected or may be affected by these court decisions, seem less under these decisions as limited in the opinion of the court on motion for rehearing than the amount which was believed to be affected when the convention met last August. However, these decisions did invalidate, either in whole or in part, many issues of bonds involving, in the aggregate, a very large sum. The court held, in the Mertens Independent School District case, that independent school districts made up of territory taken from more than one county have no legal existence or status, and that bonds attempted to be issued by these districts are invalid and without warrant of law. In the Baird Independent School District case, it was held that an issue of bonds by independent school districts, made up in part of an incorporated town or city and other lands and territory adjacent to but outside of such city or town, no tax in excess of 20 cents on the $100 of assessed valuation can be levied for any purpose.

Our Supreme Court does not hold in the Baird case that bonds issued by that and other independent school districts so composed and made up, are invalid where in any such district the limit of the tax rate of 20 cents will provide for the interest on such bonds and create a sinking fund to pay same at maturity. In such cases, there is no doubt of the validity of the bond issue. It is also true that bonds will be held valid to the extent that the maximum of 20 cents tax will provide for the interest and sinking fund of the bonds so issued. It will be obvious, therefore, that two amendments will be required to validate these bonds and to dispose of all

questions with respect to their validity. These amendments should be immediately submitted to the qualified voters of Texas. When bonds have been issued, and have been sold and purchased in good faith and the money received by the school districts, the good faith of the State stands pledged, and it is most certainly demanded that no repudiation of these or any other public debt be possible in Texas. In view of the importance of appropriate action, and that no mistake be made, carefully framed and well considered amendments embracing all features and provisions deemed necesary will accompany this message, to which I respectfully call attention and invite your favorable consideration.

It is further suggested in this connection that the Supreme Court having in effect held in the Baird case that the class of common school districts then under consideration, so far as the taxing power is concerned, could receive the benefit of the increase in the tax rate authorized by the amendment of Article 7, Section 3, of the Constitution, increasing the same from 20 cents to 50 cents on the $100 valuation of property.

Following the recommendation hereinbefore made, that this amendment to the Constitution be given full force and effect by appropriate legislation, I suggest, among other things, that the independent school district law should be so amended as to authorize the levy and collection by the board of trustees of such districts of the entire 50 cents tax rate for maintenance purposes, where no bonds are desired or needed, and that they should be given authority to levy a tax rate out of this 50 cents rate not to exceed 25 cents on the one hundred dollars valuation for bond or improvement purposes. I further recommend that where no bonds are desired that the law should authorize such districts to use, if necessary, the entire 50 cents tax rate for maintenance purposes. But if there are outstanding bonds or necessary improvements to be made and the bond issue is needed, that such districts should be authorized by law to appropriate such part of the 50 cents tax rate as may be necessary for bond or improvement purposes, not to exceed 25 cents on the one hundred dollars valuation of property. A law to this effect should be enacted immediately so that such independent school districts that have been created, and have not issued bonds or levied any tax, and are in need of same, could proceed to meet the necessities immediately after the law is enacted and becomes effective.

GENERAL LAND OFFICE.

As to the operation and effects of the amendment to the School Land Act of 1905, which was passed by the Thirtieth Legislature, the Land Commissioner in his report for the biennial period ending August 31, 1908, states that it "eliminated some objectionable features in the former act, notably, the special privilege given lessees in the way of preference to buy land out of their leases, instead of requiring them to purchase in the open market in competition with the public," and then the Commissioner proceeds as follows: "During these two years (the last two years), there have been sold 383,263.77 acres of surveyed school land for $5,468,569.69 more than the price at which it was originally on the market." The value of the advertising feature of the law is made manifest by the fact that the lands have found a ready sale at from $12 to $20 per acre, whereas, under the old system lands of greater value, and much more productive, were sold at $1 and $2 per acre.

The last Legislature passed a law authorizing the sale of guyule, lechugilla, and other plants and shrubs on the school lands. After advertising for sealed bids, as required by the act, the guyule, which is a rubber plant, was sold for $61,000 cash, and the purchaser given four years to remove it from the land. The lechugilla on the school land in the counties of Brewster, Presidio and Val Verde was sold for $600 cash, and 50 cents per ton additional for all of this plant removed from the land. The purchaser was given three years to take the plant from the land. The candalilla on Brewster county and Terrell county school lands was sold for $1000, payable $200 cash and $200 per annum thereafter until the full purchase price is paid, and five years given the purchaser to remove this plant from the lands named. These plants or growths heretofore considered of no value have by this law been made to yield to the school fund $62,600.

The unsold school land, as shown by counties in the Land Commissioner's report amounts, in the aggregate, to 7,655,237.80 acres at this time, and of this 3,949,046.53 acres are under lease.

The operations of the General Land Office is fully covered by biennial report of Hon. John J. Terrell, Commis-

sioner, and its perusal will be of interest to all concerned. This useful, efficient, and patriotic official retired on January 11th from the office that he has filled with such conspicuous ability and unswerving fidelity for the past six years. The service he has rendered, and his loyalty to duty has earned for him the appreciation of the people and the gratitude of the school children of Texas.

PUBLIC LANDS.

The situation with reference to the public lands of this State presents an important matter that should receive legislative attention. I am advised that large tracts of lands belonging to the various institutions of the State are now being occupied and used contrary to law, but no department of the State government has been provided with the necessary funds or assistance to procure the testimony upon which to base actions against unlawful occupants. Some provision should be made for the purpose of recovering and protecting these lands from being illegally acquired and from being held in violation of the laws of the State. It is altogether probable that hundreds of thousands of acres of the lands belonging to the public free school fund are now being improperly held, the law never having been complied with in their acquisition by the parties holding the same. The labor and expense incident to the vast and important work which should begin without delay calls for a sufficient appropriation to carry it on effectively and with success. If the land is illegally held it should be recovered for the use and benefit of the public school fund and the various State institutions. Hundreds of thousands of acres of these public lands believed to be unlawfully held can be opened for settlement for actual settlers and homebuilders. I have no doubt that you will accord this vital question proper attention.

DEPARTMENT OF STATE.

The report of the Secretary of State sets out in striking manner the growing importance of this department. The receipts thereof, from all sources for the two years ending August 31, 1906, amounted to $603,566.75, and for the two years ending August 31, 1908, they amounted to $879,897.01; an increase from all sources over the two previous years of $276,330.26.

Much of the service performed by this department for private individuals and corporations is without fees or compensation to the State. These matters have been pointed out in the report of the Secretary of State and recommendations with respect thereto are made. These recommendations, with others offered in the report, are respectfully commended to your attention and consideration.

OTHER DEPARTMENTS.

The report of the Attorney General, Adjutant General, Live Stock Sanitary Commission, Fish and Oyster Commissioner, Dairy and Food Commission, Railroad Commission, State Purchasing Agent, and Superintendent of Public Buildings and Grounds are replete with valuable information.

In submitting these reports to you, I suggest that the recommendations therein contained are entitled to your faithful consideration.

THE ELEEMOSYNARY INSTITUTIONS.

On August 31, 1898, ten years ago, the three Insane Asylums contained 1986 patients. On August 31, 1906, there were 3700 patients in these three asylums and on August 31, 1908, according to the reports of the Superintendents and Boards of Managers, they contained 4217 patients; an increase of 517 inmates in the last two years; and there were, on August 31, 1908, 344 patients in the Epileptic Colony at Abilene; an increase of 20 in that institution during the last two years. The insane now being cared for and treated at the asylums are distributed as follows: 2045 at Terrell; 1402 at Austin; and 760 at San Antonio.

At the beginning of this administration there were about 400 of the unfortunate insane confined in the county jails of the State. The last Legislature made an appropriation for added facilities, but failed to appropriate additional funds to maintain the increase in the number of patients, and to take them from the jails and admit and care for them, I authorized a deficiency of $10,500 for the Asylum at Terrell, and $15,000 for the Asylum at Austin. In this way, proper care and treatment was furnished these unfortunates, and the jails were practically cleared in July last, for the first time in many years. Recent reports received from the sheriffs of the State show that there are at

this time confined in the county jails 88 insane persons, as follows: 50 white males, 20 white females; 11 colored females, and 7 Mexican females. Provision should be made without delay for the enlargement of the Southwestern Asylum at San Antonio to meet the immediate necessities. These unfortunates should not languish in jails.

It is incumbent upon the Legislature to deal liberally with these institutions. Provision should not only be made for those now in the jails, but ample accommodation should be furnished for future needs. Many of the insane could be restored with prompt treatment and management by physicians skilled in the treatment of mental diseases and disorders, but, if they are locked up in jails for a long time, experts advise me that all hope for restoration and recovery may as well be abandoned. This subject, therefore, appeals to me as of vital concern, and I respectfully request your co-operation in the performance of the State's duty in the premises. In October, 1908, the female annex at the North Texas Asylum at Terrell was damaged by fire to the amount, approximately, of $17,500. Repair of this building could not be delayed without endangering the entire structure and entailing a heavier loss, and the necessities were such that the Board of Managers, with my approval, entered into contracts for the needed repairs, and the same is now under way.

To meet this expense, provision should be made, and the funds should be made available upon the completion of the work.

CONFEDERATE HOME.

The report of the Board of Managers of the Confederate Home for the period beginning September 1, 1906, and ending August 31, 1908, shows an eminently satisfactory and efficient administration of the affairs of that institution. The population of the Home has remained about the same during the past year. During the two years covered by the report, 166 soldiers have been admitted, 117 have died, and 58 have been discharged at their own request; leaving a total of 331 inmates on August 31, 1908. Later information shows the number on hand at this time to be 336. There are about 30 approved applications on file, but these applicants cannot be admitted now for want of sufficient room. The satisfactory management of this institution during the last year was maintained within the appropriation made for that period without the necessity of the customary deficiences authorized. I am gratified to be able to say that within the last two years no complaint has been made by the soldiers in the Home. Harmony, contentment, and good will seems to be the rule, and the report of the Board of Managers and Superintendent commends these old soldiers who are inmates of the Home for their excellent conduct and their general co-operation and good deportment. The Superintendent, by his kindness and consideration, has endeared himself to the soldiers in the Home, and for his successful management has been commended by the Confederate soldiers throughout the State. This institution should be perfected as a home in all its essentials, and the State's liberality in its support should be bounded only by the limits of the Constitution. Liberal appropriations should be made for the repairs, maintenance, and comforts of the buildings, and such additional buildings as may be necessary, and a liberal appropriation for the improvements of the grounds is suggested. I further recommend repeal of the pauper's oath required of Confederate soldiers to entitle them to pensions. Other provisions can be made to safeguard the pension fund.

It is appropriate in this connection to refer to the fact that the Democratic platform demands the submission to the voters of this State of a constitutional amendment providing for the erection and maintenance of a home for the indigent wives and widows of Confederate soldiers. In obedience to a platform demand it was submitted to the voters by the last Legislature, but it was defeated on account of the apathy of its friends; probably less than one-sixth of the entire vote of the State having been polled at that time. In obedience to the popular will and to the platform demand, and because the proposition is right and just, I respectfully urge that the proposed amendment be again submitted to the voters of Texas.

STATE ORPHAN HOME.

Your special attention is directed to the report of the Superintendent and Board of Managers of the State Orphan Home. It is clear that this institution is not now receiving, and has never received the support that its importance

demands. There are now 278 orphans being reared, trained, and educated in this Home, and in its useful work it should not be longer crippled for want of funds. Texas should care for these orphans in a manner comporting with the generosity of her people and the dignity of the State.

AGRICULTURAL DEPARTMENT.

To stimulate agricultural interest and development, the last Legislature created a separate Department of Agriculture, which was organized and began operations on September 1, 1907. The report of the Commissioner shows commendable activity in promoting the State's agricultural progress. The facilities for the work contemplated are inadequate for the necessities, and this, the greatest of all interests, should receive its just governmental recognition. A fair start has been made, and the State's efforts to assist the farmers and to promote in an intelligent and useful way the general agricultural development of our State should not be relaxed.

The importance of the work being done at the Agricultural and Mechanical College, and the value of the instruction now being given in agriculture in the public schools cannot be overestimated, and this important feature in aid of intelligent agricultural methods should be fostered. The usefulness of the experimental stations now in operation has been so thoroughly demonstrated that the extension of work along this line is believed to be of the greatest importance. In response to the Democratic platform declarations, with respect to experimental stations, I recommend in the language of the platform "the establishment of additional experimental stations, especially in central West Texas and Northwest Texas." Liberal support of the Agricultural Department, and of all practicable governmental agencies for the development of our agricultural interests is commended as an important essential to the general welfare.

DEPARTMENT OF INSURANCE AND BANKING.

Insurance.

It has long been the policy of the State of Texas, as expressed in our Constitution and laws for more than one-third of a century, to regulate and supervise, by suitable laws, all kinds of insurance business. This business has now become enormous, and is rapidly growing in volume and importance. The immense volume and the development of the method and plan of this important business in which our people are annually investing many millions of dollars, has outgrown our present insurance laws. In many respects they are inadequate for the protection of the public against fraudulent or unsafe insurance, and they are inadequate for the protection of the honest and sound insurance companies against dishonest, illegitimate, and unsafe competition. Present provisions of our insurance laws should be changed in some respects, discrepancies corrected, and omissions supplied. It is of highest importance that without effecting radical or drastic changes the Legislature should provide appropriate laws in lieu of the existing insurance laws, most of which were enacted at a time and under conditions entirely different from present day conditions. Laws in keeping with conditions, and which can be easily understood by the public and easily applied and enforced by our insurance officials and the courts should be enacted. This subject is of special importance at this time, by reason of the present and prospective interest of our home people in the development of our own Texas insurance companies. No one thing can contribute more largely to the genuine development and progress of Texas and her financial independence than the upbuilding of strong and safe insurance companies of all kinds by our own people and within the State. In this way a large portion of the insurance premiums now being sent out of the State annually can be kept at home and invested in our own securities for the benefit of our own people, and for the development of our own enterprises. Appropriate laws cannot injuriously effect legitimate outside insurance companies, and our home companies cannot properly succeed and ought not to succeed unless they are conducted and managed with skill and with absolute honesty, and upon such lines as will make it certain that they furnish unquestionably safe and dependable protection. Our insurance laws should be so framed as to guarantee as nearly as possible that no unsafe foreign company or unsafe or dishonestly managed home company can

prosper under them, and the laws should be so fashioned that very possible incentive and encouragement will be afforded to such home companies as are conducted prudently, honestly, and with fairness to the public. The act of the Thirtieth Legislature, known as the "Robertson Law," requiring life insurance companies to invest 75 per cent of the Texas reserves in Texas securities, and to deposit such securities with the State Treasury or with some bank within the State, which is either a State or National depository, contains the provision that the Insurance Commissioner of the State shall be empowered to waive the investment and deposit requirements of the act, or any part thereof, upon a sufficient showing by the company affected by its provisions that such company cannot obtain the required securities without a sacrifice of the interests of the policy holders. Many companies made application for waiver of the requirements as to the deposit of securities, on the ground that by reason of the ad valorem State and local taxes, etc., to which the securities would be subject if they were deposited and other expenses and inconveniences to which the making of such deposits would necessarily subject them, they could not comply with the deposit feature without sacrifice of their policy holders' interests, etc. In every instance where the showing has been made, I believe, the waiver has been made by the Insurance Commissioner as to the deposit feature of the law. For the reasons fully set out in the report of the Commissioner, I recommend that this law be amended, so that the feature requiring the deposit of the securities be eliminated, and that the provision authorizing waiver by the Commissioner be eliminated, but that all life insurance companies doing business in the State shall invest and keep invested in Texas securities 75 per cent of their reserves on their Texas policies, is a feature of the law that should not be disturbed. This requirement should in no case be waived. Therefore, I can see no sound reason for the retention of the provision for waiver.

The practical operation of the Robertson Law has proven it to be both satisfactory and beneficial, and it has been demonstrated that the law is in no respect prejudicial or hurtful to the people of Texas, and while it may be strengthened and improved, care should be taken that its value be not impaired.

Banking.

The report of the Commissioner of Insurance and Banking shows that there are in Texas 532 National banks with capital stock aggregating $40,978,300, and 340 State banks chartered and organized under the State Banking Act of 1905, with capital stock of $10,690,500, and there are 221 private banks operating in the State at this time. The individual deposits in the National banks amounted, at date of last report, to $138,657,335.61, and the individual deposits in State banks amounted to $26,887,102. Total resources of the State banks, $40,981,430.

This condition furnishes ample evidence of the State's great material prosperity and well-being. During the last two years seven State banks have suspended, five of which resumed, two liquidated and closed out their business, but not a penny was lost by depositors in State banks. The late financial panic has aroused throughout the country an interest in legislation for safeguarding and strengthening the protection of the money of the people deposited in banks. During the period of the unparalleled financial stringency of 1907, when throughout the United States nearly all the banks suspended payment, the people of Texas displayed a high order of unselfish patriotism and good sense in the patient and effective manner in which they sustained and upheld the banks. After the storm had blown over they looked about for a plan to prevent a recurrence of the condition which brought it upon the country, and to mitigate such hardships upon the business interests and the people generally.

In both the National and State platforms of the great political party to which the overwhelming majority of the membership of this Legislature and the Executive owe allegiance, the people's representatives in the National and State conventions, adopting the view of America's greatest statesman, William Jennings Bryan, declared for legislation providing a system of mutual guaranty between banks, of their liabilities to depositors. As a candidate before the people of the State for re-election, I declared myself in favor of a law providing for such protection to the depositors in the State banks of Texas, and I have no doubt that a large majority of the people of the State favor such legislation and confidently

expect its enactment in obedience to the Democratic platform demand. I believe that a law can and will be framed providing a guaranty system which will greatly enhance the safety and utility to the people of the State banking system, and which will in no way increase the danger or possibility of unsafe or reckless banking. As a part of such law there should be provisions making it a criminal offense under heavy penalties for an active officer of a State bank to borrow any of its funds or for any officer or director to knowingly and wilfully violate any of the provisions of the law governing State banks. The strictest possible supervision and the most frequent and careful examinations should be provided. The laws regulating the banking business in every way should be made easy and certain of enforcement. It should also be made unlawful for the officers of one bank to use the money of its depositors to purchase or obtain control of the stock of other banks.

I also strongly urge and recommend to your favorable consideration the passage of a law definitely and strictly regulating the business of private bankers and of those banks chartered prior to the adoption of the Constitution of 1876.

Of the last mentioned banks there are about seven in operation in the State, and there are 221 private banks now doing business in Texas. Some of the banks here mentioned, and which are in no way regulated or supervised by law, are among its oldest and most reputable financial institutions, and doubtless many of them entirely solvent and honestly managed. No private bank that intends to conduct an honest and legitimate business could be injured by the same regulations and supervision as obtains with respect to chartered State banks, and certainly the people should be protected against all possible dishonest banking schemes.

STATE PENITENTIARIES.

Laws providing for imprisonment in the penitentiary for offenses have for their objects the punishment for crime, and the reformation of the offender. By the decree of the court the convict is condemned to confinement in the penitentiary at hard labor. While punishment of the convict is sought to be made certain, that others may be deterred from like crimes, still society has an interest in his reformation. The convicts should be required to work, as appropriate and steady employment is essential both to the health of the prisoners and to the prison discipline. They should at all times, and under all conditions, be treated humanely and with as much consideration as their position will allow. It has been the policy of this administration to prevent all possible abuses that might arise, and to handle the great penitentiary problem in such a way as to make it at least self-sustaining, and not an unnecessary burden upon the taxpayers of the State. The reports of the Board of Commissioners, the Superintendent and other officials show that the affairs of the system have been for the past two years most efficiently managed, that the convicts are properly housed, clothed and fed; that they have been furnished proper medical attention when sick, and that they have at all times received considerate and humane treatment. No other policy would be tolerated by this administration if known, and the high character of the officials in charge entitle their statements to full faith and credit. However, the recent agitation in some quarters with respect to the treatment of convicts, and proposed changes in methods of employment for them has been of such a persistent character that an investigation of all matters pertaining to the management of the penitentiaries is recommended. The good name of the State demands that this be done. Such investigation should be searching, sweeping, and effective, to the end that any abuses, if found, can be speedily arrested, and that trusted officials may be vindicated if free of fault or wrong.

On September 1, 1906, there were 3864 convicts in the penitentiary. On September 1, 1908, there were 3466, a decrease for the two years of 342. To abolish the lease system, and to provide employment for these convicts in such way as to furnish the least competition to free labor and private enterprise, should become the settled policy of the State. To accomplish this has been my constant aim, and I confess that this question presents one of the most difficult of the many problems with which this administration has been confronted. I believe, however, that the problem can be solved, and in response to an enlightened public sentiment it should be correctly solved. No one will

contend that this reform can be accomplished in a day, or precipitately, without great expense to the taxpayers. Of course the convicts could be guarded in idleness, but their well being demands their employment, and it is certain that the taxpayers would not willingly pay the cost of such folly. The number of convicts employed on railroads, on share farm forces, and on other contract forces, have been reduced more than six hundred during the present administration, and the number of convicts employed on State farms on State account have been increased from 338 on September 1, 1906, to 1064 on September 1, 1908, and the forces employed on State farms have been further increased since the last mentioned date.

The Harlem State Farm is situated in Fort Bend county; it contains about 4000 acres, and has valuable improvements, including a sugar mill. The William Clemens State Farm, situated in Brazoria county, contains 8212.47 acres of land, and a sugar mill. During the early part of last year the Penitentiary Board of Commissioners, with Executive approval, acquired by purchase for the State the Imperial Farm in Fort Bend county. In this purchase they acquired 5235 acres of land, 139 mules, a number of horses, hogs and all farming implements. The purchase price of the Imperial Farm, including all improvements, stock and farming implements, was $160,000. They also purchased the Riddick tract containing 957 acres, adjoining the Harlem Farm, for $38,280, and the Ramsey Farm in Brazoria county, containing 7762 acres, for $106,727.50. Only 1600 acres of this farm has been cleared and put in cultivation. The total price of the three farms purchased, and agreed to be paid, was $305,007.50. These farms were purchased without any charge against the State Treasury, and without any cash payment. The Board contracted to pay forty per cent per annum of the gross receipts of the crops produced on the respective farms, with six per cent interest until the full purchase price is paid. The crops of cane produced on these farms for 1908 were exceptionally good, and the Board will be able, with the first crop, to pay for the Ramsey and Riddick farms, and probably one-half the amount due for the Imperial Farm. These State farms should all be improved and developed, and when they are paid for and developed and properly equipped, I believe that other cane lands should be acquired with the view of ultimately employing all the convicts not employed in the penitentiaries at Rusk and Huntsville, on State farms and in the production of sugar. The construction of railways on the farms, new prisons on the State farms, and betterments and other improvements made; the operations of the Huntsville and Rusk prisons, the financial operation and condition of the entire system; the progress made in the construction of the State Railroad from Rusk to Palestine and the State's iron industry, are fully and intelligently set out and discussed in the reports of the Board, the Superintendent, Financial Agent, and other officials, to which I take pleasure in referring you. In real and personal property acquired, railroads constructed, and improvements made, the present management has added to the State's penitentiary property more than $800,000 in value. Some of these subjects may be further treated in a special message to your honorable bodies at some future time. I again strongly urge that a committee composed of members of both the Senate and House of Representatives visit and inspect the penitentiaries, State farms and other property, and make such investigations, with respect to the management and operation of the penitentiary system of this State, as will give a proper understanding of the important subject. The large interests involved justify my request for your intelligent co-operation.

REFORMATORY AND HOUSE OF CORRECTION.

Attention is here called to the report of the Superintendent of the State Reformatory and House of Correction at Gatesville. This institution is in better condition than ever before. It is in capable and efficient hands, and the recommendations of the Superintendent are entitled to favorable consideration.

ANTI-TRUST LAWS.

The tendency of great industrial enterprises and combinations controlling the necessities of life to consolidate their interests for the general purpose of monopoly, and to destroy competition, and to arbitrarily advance or reduce prices as may best suit their purposes, and to utilize the combine as a means of enriching themselves and as a weapon with which to wreck and de-

stroy the business of weaker concerns in competition with them, have aroused the entire country to a consciousness of the necessity for adequate laws to check the evil, and to a vigorous enforcement of the anti-trust laws. This action is not only necessary to prevent further advancement in the cost of living, but to preserve that liberty and freedom which our people have the right to enjoy.

The Federal government has to some extent prosecuted such violations. Many of the States have become aroused, and have been, with indifferent success, devoting their energies in the same direction.

The State of Texas was one of the first of the States to realize the importance and necessity of legislation to reach and check the trust evil.

The Thirtieth Legislature enacted several important measures, which, with the laws already in force, gave to our State the most effective anti-trust laws of any State in the Union.

The Legislature is to be congratulated for the wisdom and patriotism displayed in the enactment of these additional laws, and for providing the means whereby our anti-trust laws are being ably and faithfully enforced by the Attorney General's Department. When we consider the fact that most of the great combinations which have organized for plunder in recent years, do business throughout the entire country, and in other countries, that their relations with other companies, individuals, and concerns have been secretly maintained, and carefully guarded; that the evidence of their guilt, and upon which the State must rely for convictions, is in their own possession, and often outside the State, beyond the reach of ordinary process of our courts, the difficulties encountered by our State authorities can be fully appreciated. Such conditions have enabled these concerns to flourish in violation of law.

The last Legislature, however, enacted a law authorizing the Attorney General to examine the books, papers, and records of all corporations doing business in this State, wherever such records might be located, under penalty of forfeiture of charter or permit if refused. It also passed a law authorizing the Attorney General to take the testimony of witnesses orally, outside of the State, and compelling corporations to produce their officers, agents, and books before a special commissioner for examination under penalty of having a judgment by default rendered against them for failure or refusal to comply with the law.

The Thirtieth Legislature also enacted a law giving the State a lien upon the property of corporations violating the anti-trust laws, and provided for the appointment of receivers upon conviction of such corporations for violating said law. The law further provided that a cause of action should not abate by reason of the dissolution of such corporations. During the last two years, all of these new laws have been applied and tested, and they have been potent factors in the enforcement of our anti-trust laws.

Hon. Jewel P. Lightfoot, the able assistant employed by the Attorney General to assist him in enforcing the anti-trust laws, visited several States, and secured testimony under these acts which could not have been secured without them, and upon which testimony judgments amounting to nearly one hundred and fifty thousand dollars have been rendered, which have already been collected; and in another case judgment has been rendered for more than one million six hundred thousand dollars, and the Attorney General's Department has successfully sustained this judgment through all the State courts.

By virtue of these acts, the charters of offending corporations have been forfeited, receivers have been appointed, unlawful combinations dissolved, and further unlawful acts perpetually enjoined. While penalties are not assessed in such cases for revenue purposes, still it is a fact that the penalties collected for violations of the anti-trust laws during the last two years have been largely in excess of the appropriations for the maintenance of the Attorney General's Department.

That it may be known and understood that Texas proposes to enforce her laws, that the people of our State will be protected against the unjust exactions of trusts and law-breaking corporations, and in view of what has already been achieved, I recommend that ample appropriations be made to continue the good work.

ANTI-NEPOTISM LAW.

The Thirtieth Legislature enacted what is known as the Anti-Nepotism Law. It was intended by this law to prohibit the employment or appoint-

ment of any person to any office or position where such appointee or employe is related to the appointing power. There are differences of opinion with respect to the construction of the law which should be settled by definite enactment. It has been held by the Attorney General that while it was doubtless intended by the Legislature to prohibit the appointment or employment of any person to office or to any employment when such appointee or employe is related to any member of the commissioners court, city council, or board of trustees of public schools or boards of managers of State institutions, within the third degree, that the law as now framed permits a majority of such commissioners court, city council, board of trustees of the the public schools, and boards of managers of State institutions to appoint or elect to positions any person related to a minority of such commissioners court, city council or board of trustees, regardless of the relationship of such appointee or employe with a minority of such commissioners court, city council, or board of trustees, or other boards mentioned. It was the evident intention of those framing the law to prohibit such employment, and it is respectfully suggested that the law should be amended so as to give full effect to the evident purpose of the Legislature in enacting the same, and to conform to the Democratic platform demands in response to which that salutary measure was enacted.

ROAD IMPROVEMENT DISTRICTS.

The Road Improvement District Law enacted by the Thirtieth Legislature has been held by the Attorney General to be defective in terms, and so much so as to make it wholly inoperative, and it is, therefore, advisable to pass an entirely new law upon this subject, and I recommend such action.

The amendment to Article 3, Section 52, of the Constitution of the State, adopted in 1904, authorizes the creation of road improvement districts, and authorizes them to issue bonds, as public corporations, and I recommend that a law be enacted giving authority to create such districts, and creating officers of such road districts with power to levy taxes, and issue bonds, or that such power be vested in the county commissioners courts of the counties. The importance and necessity for building good roads, and for the improvement of our public roads is sufficient to commend to the favorable consideration of the Legislature any proposition or law giving the people an opportunity to build, maintain and improve them.

"FROSTY JOINTS" AND "COLD STORAGE" PLACES.

Chapter 112, Acts of the Thirtieth Legislature.

It was the intention of the Legislature in enacting this law to levy an occupation tax on all retail dealers in non-intoxicating malt liquors, etc., in given territory. The act was held unconstitutional by the Court of Criminal Appeals in Ex Parte Woods, 108 S. W. Rep., page 1171, on two propositions. First, because these liquors being by legislative enactment declared non-intoxicating they were held to be, and treated as other articles of merchandise, and that it was, therefore, incompetent to levy a tax on their sale in parts of the State only. In other words, the court held that the tax levied was not equal and uniform in all parts of the State, and that this was the meaning of that provision of the Constitution providing for equality and uniformity in taxation. Second, the act was held unconstitutional because druggists were excepted. There was another serious question raised in the case, which was that the act contained more than one subject.

It is hardly worth while to enter upon a discussion of the importance of re-enacting this law, with the objectionable features eliminated. The need of such legislation should appeal to every law-abiding man in Texas.

To make sure, as far as possible, against successful attack, I believe that the old law should be divided into two bills. The provisions of the old bill can be incorporated into two acts, eliminating the matters rendering it unconstitutional. One bill should relate to the sale of "Frosty," etc., and made to apply uniformly throughout the State. Druggists selling malt medicines as such can, with propriety, and without danger to the law, be excepted on the same principle that they are excepted when selling liquors for sacramental purposes, etc.

The other bill should relate to solociting orders and to cold storage places which can, in their nature, relate only to local option territory. Your faithful consideration of this subject, and the speedy enactment of the laws as outlined above is earnestly urged.

BOOTLEGGING IN LOCAL OPTION TERRITORY.

During the last session of the Legislature, I recommended the passage of a law making the sale of intoxicating liquors in local option territory a felony, punishable by confinement in the penitentiary for a term of not less than two nor more than five years. The bill was introduced, but failed, I believe, for want of time for its proper consideration. I again recommend the enactment of such a law. The argument that it can not be enforced is unsound. The same argument was made against the passage of the felony gambling act. But the law is being enforced. And an adequate felony statute reaching the "bootlegger" can be and will be enforced, if the Legislature will only give the people an opportunity to properly deal with such offenders. Indeed, I believe such a law would enforce itself.

COURT PROCEDURE.

The Democratic platform declaration upon this subject is as follows: "We recommend such amendments and changes in the laws governing court procedure as will reduce the expense of litigation and tend to the speedy administration of justice in civil and criminal cases." In my campaign of 1906 for election to the office of Governor, I advocated before the people the necessity for reforms in our court procedure, and the platform of that year demanded changes looking to reform and to simplify th court procedure. In my message to both the regular and called sessions of the Thirtieth Legislature I urgently recommended a full compliance with this demand of the people. Some useful laws upon the subject were passed, but on account of the great volume of proposed legislation then pending and the active opposition of large and powerful special interests then and now profiting by our present complex and technical procedure, nearly all of the more important measures in the interest of the average man, and in the interest of proper economy and speedy action in the administration of justice, and to aid in the enforcement of the criminal laws of the State against corporate and individual law-breakers, were defeated. This important matter was again called to the attention of the people in the campaign of last year, and in their county conventions, mass meetings, and State Democratic Convention, the people have again demanded reform legislation upon this subject in the interest of the taxpayers, and in the interest of law and order, and in the interest of a common-sense and more intelligent procedure in the administration of justice by our civil and criminal courts.

In my message to the Thirtieth Legislature, in urging a compliance with the platform demand that legislation simplifying the procedure in criminal trials should be enacted, I used the following language: "The present complex and cumbersome procedure is a shield to the criminal, defeats justice, increases the number of our courts, and adds unnecessary burdens upon the taxpayers. Perplexing technicalities encourage crime, employ the time of the courts to no useful end, and the people pay the costs. A rigid enforcement of all the laws is essential to the social well-being, and are demanded as the only safe guarantee of life, liberty, and property. All laws can be enforced, and should be enforced, fearlessly, impartially, and without respect to locality or persons. To longer tolerate a system of technical obstacles behind which murderers and rogues may barricade themselves and defy the laws, would be a reflection upon the wisdom if not the sincerity of our statesmanship. To say that crime can run rampant in Texas, and that our laws can not be enforced is to admit that we are incapable of self-government. That our law-abiding citizenship is growing impatient and restless at the law's delays and the uncertainty of punishment for crime, can not be denied. That there is just ground for such discontent must be conceded. There is too much machinery in our criminal trials, too much literature, and too many refinements in the court's charge to the jury, and too many loopholes through which criminals may escape. When the court's charge in a criminal case is heard, especially the charge in murder cases, the intelligent citizen is often made to wonder how any man is ever punished for crime. How it is possible for any juror, not trained in the law, to ever measure the guilt or innocence of an accused person by rules and distinctions not always understood by the courts and lawyers themselves? Is it a surprise that juries disagree, that criminals go unwhipt of justice, that new trials are forced, cases reversed by the appellate courts, and that the mob spirit is rife in Texas? The judges are not at fault; the jurors are not always to blame; the main difficulty is in the system. A fair and im-

partial trial, upon the law and the facts, without tangled and technical rules, should be accorded the accused, and when this is done, and not until then, so many trials and delays can be avoided and substantial justice may with some reason be expected in all cases."

With respect to the procedure in civil trials, I then said: "As in criminal cases, probably more than one-half of the civil suits tried and appealed are reversed and remanded for new trials, and many new trials are granted by trial courts on account of errors in the court's charge to the jury. Costs to litigants are increased, delays and unjust burdens are laid upon those forced to invoke the aid of the courts to secure their rights under the Constitution and laws. The costs incurred by the counties for juries and other incidental expenses in the numerous trials of the same case is heavy, and has attracted the attention of the people."

The conditions then existing and the temper of the people with respect to this question and the demand for reform along these lines is more pronounced at this time than ever before. It does seem to me that an earnest effort should be made to provide the relief demanded, and with that end in view I urgently recommend to the Legislature the passage of the following laws:

1. That jury exemptions be further limited, and that the causes for which the trial judge may in the exercise of his discretion grant excuses to jurors drawn for jury service, be accurately defined and further limited.

2. That the Legislature either prescribe by statute a common-sense form of charge in every criminal case of the grade of felony, or require such charge to embrace only the nature of the accusation, and a copy of the statutes applicable to the offense charged, and the facts proven in the case.

3. An amendment modifying Article 723 of our Code of Criminal Procedure is recommended. This article, formerly 685 in the revision of 1895, appeared as follows: "Whenever it appears in the record in a criminal action upon appeal of the defendant that any of the requirements of the eight preceding articles have been disregarded, the judgment shall be reversed, provided the error is excepted to at the time of the trial." This was changed by the Act of March 12, 1897, so as to read as follows: "Whenever it appears in the record in a criminal action upon appeal of the defendant that any of the requirements of the eight preceding articles have been disregarded, the judgment shall not be reversed, unless the error appearing from the record is calculated to injure the right of the defendant, which error should be excepted to at the time of the trial or on motion for new trial." Under the old article, 685, of the Revised Statutes of 1895, it was held by the Court of Criminal Appeals that if the error, however immaterial, was excepted to at the time, reversal was required, as the statute was mandatory. This, however, is not the rule under the present statute, Article 623, in view of the declaration therein contained, that judgment shall not be reversed unless the error is calculated to injure the defendant. The difficulty, however, lies in that portion of the article which now stands, "or on motion for new trial." The present statute would properly cover the case with the elimination of the words, "or on motion for new trial." It ought to be perfectly clear that an error or procedure which lawyers deem of such little consequence as not to bring out objection to the action of the court at the time, and which was not of sufficient importance to occur to them as being injurious or hurtful to the defendant, could not in the very nature of things likely affect or influence any of the twelve jurors not learned in the law.

As the statute now stands, when the case is tried, notwithstanding a matter may not have been called to the attention of the court, if upon an examination of the entire record after the trial, and in the office of learned counsel a technical error is discovered which might be held to be calculated to injure the rights of the defendant, it can be raised for the first time in the motion for new trial, and a new trial or reversal follows, and the case tried over again. This ought by all means to be changed, and if changed, would result in a more certain enforcement of the law and in the affirmance of many cases which under the present rule are required to be reversed for errors usually technical, and in no way affecting adversely the substantial rights of the defendant.

4. A law should be enacted providing that no judgment should be reversed for an error which does not affect the substantial rights of the adverse party. This law should apply to both criminal and civil cases. This is now the rule in many States of the Union.

The enactment of laws embodying

these views would, I believe, add to the law's enforcement, expedite trials, furnish ample protection to the innocent, discontinue the almost universal practice of appealing everything, and to a large extent prevent reversals and new trials, and best of all, it would add immeasurably to the people's confidence in the courts of the country.

With respect to the procedure in civil trials, I repeat my recommendation to the Thirtieth Legislature, and urge the enactment of the following laws:

1. A law authorizing verdicts to be rendered in trial of civil cases in the district court by the concurrence of nine members of the jury.

2. A law rquiring judges to prepare their charges to juries in civil cases, and submit the same to the parties or to counsel on both sides of the case before the argument begins; that the charge of the court shall as now be read to the jury upon the conclusion of the evidence, if no arguments are to be made to the jury.

3. A law providing further that all special charges, or additional instructions to the jury proposed or requested by counsel shall be prepared, submitted to opposing counsel for objection, if any, and then delivered to the judge before the main charge is read to the jury; and that all exceptions to the main charge, or to the giving or failure to give special charges shall be taken and the ground of objection stated in writing, and stated to the judge before the jury retires; and that all errors in the charge, or with respect to any special charges not then assigned and again pointed out in motion for new trial, shall be considered and held to have been waived, and shall not constitute grounds for new trials or reversals.

4. In the interest of economy, and to facilitate the courts in the trial of civil cases, a law should be passed providing that in all civil cases all questions of law should be settled, issue joined, and the pleadings closed before a case can be placed upon the jury trial docket.

In urging these reforms it is not intended to suggest a limit to remedies which your Honorable Bodies, in your wisdom, may devise. I do say, however, that there is no question of greater importance to all the people than the reforms in our civil and criminal procedure so often demanded by the people. The technicalities and nonsense in our forms and methods of procedure is the crying evil of our age and time. The remedy can be applied. Our duty is plain, and I recommend that adequate laws, as here recommended, and such further laws as may be deemed by you as wise and to the purpose, be carefully framed and speedily enacted.

PUBLIC HEALTH.

The Health Department of the State has been ably and faithfully administered. Every precaution to prevent the introduction and spread of contagious and infectious diseases in the State have been taken. The Health Department has been often handicapped, however, by reason of limited authority and funds, and on account of the limited agencies at hand, and of this the Democratic Convention took cognizance. The twelfth plank of the Democratic platform reads as follows:

"We recommend that our State Health Department be granted adequate authority and ample means to properly safeguard the public health. In order to secure greater efficiency in our public health agencies, so as to maintain the reputation of our State for healthfulness, we favor such legislation as will achieve this purpose."

This demand of the party is based upon conditions needing prompt attention, and the suggestions and recommendations made in the annual report of our State Health Officer are entitled to careful perusal and, coming as they do from such high medical authority, I recommend them as worthy of your consideration.

OIL AND RICE.

With respect to the oil and rice industry, the platform of the Democratic party reads as follows:

"Recognizing that the oil and rice industries are of great importance to the growth of the State, we recommend legislation that will protect them, and we also recommend that adequate provision be made for fixing and regulating the charges of canal and pipe line companies."

This demand of the party is worthy of your careful attention, and I respectfully urge the enactment of appropriate and adequate legislation in respect to the same.

STATE PROHIBITION.

The Democratic platform demands the submission by your Honorable Bodies of

a constitutional amendment to the voters of the State for adoption or rejection, providing for constitutional State prohibition. This demand is embodied in the fifteenth plank of the Democratic platform, and reads as follows:

"We demand the submission by the Thirty-first Legislature of the State of Texas of a constitutional amendment to the people of the State of Texas for adoption or rejection, prohibiting within the State of Texas the manufacture, sale, gift, exchange, and intrastate shipment of spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication, except for medical and sacramental purposes.

"We recommend that the prohibition amendment by the recent primary election be submitted to all qualified voters at a special election to be held in 1909. We declare that at such election, a vote for or against the amendment shall not be considered a test of Democracy, as it is not the purpose of this convention to commit the Democratic party for or against State prohibition."

Upon the principle that the people should have what they want and in view of the party pledge, the submission of the amendment is respectfully urged. The representatives of both sides of the proposition appeared before the State Democratic executive committee and joined in securing the submission by the committee of the question as to whether or not such a demand should be made a Democratic platform demand, to the Democratic voters at the July primary election, and at said Democratic primary election a majority of the voters who voted upon the question favored the incorporation of the demand in the Democratic platform. It was treated as a State proposition, and was then admitted to be a question to be determined by the State as a unit. The State convention was made up of duly accredited Democratic delegates from all the counties of the State, properly assumed jurisdiction of the question, and in response to the demand made by the Democratic primary election the convention by an overwhelming vote incorporated a demand that the prohibition amendment demanded by the primary should be submitted to the voters of the State for adoption or rejection.

The platform of the opposition party declared against the submission of a State prohibition amendment with the lines thus clearly drawn upon the question, the people of the State endorsed the Democratic platform by more than 150,000 majority. It therefore seems to me that party integrity and party safety demands that Democratic members of this Legislature heed the party command, redeem the party pledge, and obey the will of the people of this State.

It is not a question of expediency, and it makes no difference how Democrats view the question of State prohibition. A man's position upon State prohibition is not involved in the platform demand, but when Democrats by their votes place a demand upon the law-making power in the platform of their party, I respectfully urge that such action should bind every man who holds a Democratic commission. I further recommend that the amendment be submitted to the qualified voters of Texas at an election to be held during the present year to the end that this question may be disposed of without delay.

INHERITANCE TAX AND INCOME TAX.

The inheritance tax law enacted by the last Legislature should be perfected by adequate amendments. I recommended to the last Legislature the enactment of a graduated income tax upon all annual incomes with appropriate exemptions, and I again urge upon the Legislature the advisability and importance of such a law. The income tax law is, when properly adjusted, the fairest tax that can be levied.

FREIGHT AND PASSENGER RATES.

It is a matter of common knowledge that the local freight rates applying upon Texas traffic is higher than that applying upon the local traffic of almost any State in the Union, and the faithful efforts of our Railroad Commission to reach a proper adjustment and to give the people needed relief has been resisted by every means and every subterfuge that could be devised by corporate cunning. In the enforcement of the Railroad Commission Law the Commissioners should be fortified with ample funds to meet every necessity. About seventeen States have reduced the passenger rates to 2 cents per mile per passenger, and not one of them has given the railways enough land in value equal to all the railroads in such States. This Texas has done. During the last

regular and called sessions of the Legislature I recommended that the passenger rates in Texas be reduced by legislative enactment to a maximum of 2 cents per mile. A bill having that object in view was introduced, and, of course, it was resisted by the railways and by every other agency that could be brought to their aid and assistance. This measure failed mainly as a result of the promise of the railways to give the people better service and necessary relief from the unusual burdens imposed upon commerce and traffic, in the way of freight rates. In other words, the Legislature, and many others were induced to believe that conditions would be improved, and that the rates would be reduced. In this the people have been grievously disappointed. The conditions have not improved and instead of a reduction of freight rates, the railways have increased the rates applying on interstate traffic having origin or destination in Texas an average of nearly 10 per cent, which increase upon the commerce and upon the products of the forests, factories and farms of this State will amount to at least $3,000,000 per annum. The anti-pass law also largely increased their revenue from passenger earnings. I, therefore, again earnestly urge upon the Legislature the enactment of a law reducing passenger rates to 2 cents per mile.

The great masses of the people of Texas have reason to expect that their interests will be cared for by this Legislature, and as this reduction in passenger rates is justified by the increasing volume of business and by existing conditions, I see no reason why justice should not now be done.

Platform demands not receiving separate attention in this message are not intended to be minimized. I transmit herewith a copy of the platform which contains the latest definite expression of the people. These demands are commended to your honorable bodies, and on account of their source they are worthy of your best thought and attention.

A statement of all disbursements made by me during the last two years from funds subject to the order of the Governor is herewith submitted as required by the Constitution. The vouchers covering these disbursements are on file in the Comptroller's office.

T. M. CAMPBELL,
Governor.

STATEMENT OF AMOUNTS EXPENDED BY THE EXECUTIVE OFFICE.

Appropriation from January 15 to August 31, 1907.

Salary of Governor	$ 2,499 98
Salary of private secretary	1,250 03
Salary of stenographic clerk	750 00
Salary of porter	262 50
Payment of rewards, etc	1,221 30
Books and stationery	206 15
Freight, postage and telegraphing	402 46
Ice	23 80
Office fixtures	73 70
Contingent expenses	26 20
Salaries of Board of Pardons	2,478 02
	$ 9,194 15

MANSION AND GROUNDS.

Labor in keeping up mansion and grounds	$ 393 32
Water and ice	87 60
Fuel and light	252 08
Contingent expenses	22 20
	$ 755 20

Appropriation P from September 1, 1907, to August 31, 1908:

Salary of Governor	$ 4,000 00
Salary of private secretary	2,000 00
Salary of stenographic clerk	1,200 00
Salary of porter	420 00
Payment of rewards, etc	4,965 64
Payment of rewards heretofore authorized	655 91
Books and stationery	126 95
Freight, postage and telegraphing	496 48
Ice	31 35
Office fixtures	91 00
Contingent expenses	59 70
Salaries of Board of Pardons	4,000 00
Furniture and stationery for Board of Pardons	300 00
Contingent expense, ice, etc	99 39
	$18,446 42

MANSION AND GROUNDS.

Furniture, repairs and improvements	$ 1,693 10
Labor and employes	768 10
Water and ice	122 10
Fuel and light	350 00
Contingent expenses	56 02
	$ 2,989 32

EXECUTIVE OFFICE.

Appropriation Q from September 1, 1908, up to and including January 11, 1909:

Salary of Governor	$ 1,333 32
Salary of private secretary	666 64
Salary of stenographic clerk	400 00
Salary of porter	140 00
Payment of rewards, etc.	1,919 00
Books and stationery	2 25
Freight, postage and telegraphing	224 84
Ice	9 90
Office fixtures	18 30
Contingent expenses	15 50
Salaries of Board of Pardons	1,333 28
Contingent expenses, ice, etc., Board of Pardons	42 00
	$ 6,105 03

MANSION AND GROUNDS.

Labor and employes	$ 162 99
Water and ice	39 06
Fuel and light	131 07
	$ 333 12

(While the Governor's message was being read, Mr. Davis and Mr. Canales occupied the chair. At conclusion of the reading the Speaker resumed the chair.)

SENATE NOTIFIED.

Mr. Gaines, chairman, submitted the following report:

Hon. A. M. Kennedy, Speaker of the House of Representatives.

Sir: Your committee appointed to notify the Senate that the House is organized and ready to proceed with business beg to report that they have performed that duty.

GAINES,
BROWN,
BRISCOE.

HOUSE POSTOFFICE.

Mr. Roberson of Erath offered the following resolution:

Resolved, That the Superintendent of Public Buildings and Grounds be instructed to dispose of the postoffice located in the House of Representatives and turn the proceeds thereof into the public treasury of the State of Texas.

The resolution was read, and a second reading not being demanded, it went to the Speaker's table.

ADDITION TO COMMITTEE.

On motion of Mr. Mason, Mr. Lawson was added to the Committee on Constitutional Amendments.

PROVIDING FOR DAILY PAPERS.

Mr. Adams offered the following resolution:

Resolved, That each member of the House be allowed to subscribe for five newspapers of his own selection during the session, to be paid for out of the contingent fund of the House.

The resolution was read second time.

Question—Shall the resolution be adopted?

Mr. Jennings offered the following amendment to the resolution:

Amend by striking out "five" and inserting "three."

Mr. Fitzhugh moved to table the amendment, and the motion to table was lost.

Question—Shall the amendment be adopted?

Mr. Davis offered the following substitute for the amendment:

Strike out the word "five" and insert in lieu thereof "four."

Mr. Jennings moved the previous question, and the main question was ordered.

Question recurring on the substitute by Mr. Davis, it was adopted.

The amendment as substituted was adopted, and the resolution as amended was adopted.

RECESS.

On motion of Mr. Adams the House at 11:55 a. m. took recess to 2 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m. and was called to order by the Speaker.

TO PRINT THE GOVERNOR'S MESSAGE.

Mr. Mobley offered the following resolution:

Resolved, That there shall be printed in pamphlet form and paid for out of the contingent fund of the House, 1500 copies of the Governor's message, together with the State Democratic platform and the resolutions adopted by the State Democratic Convention at San Antonio.

MOBLEY,
JENNINGS.

The resolution was read second time, and adopted.